

BOARD OF COUNTY COMMISSIONERS' MEETINGWednesday, October 5, 1977

Present: Commissioner James M. McKay, President
 Commissioner Ford L. Dean
 Commissioner J. Patrick Jarboe
 Edward V. Cox, County Administrator
 Judith A. Mullins, Recording Secretary

(Commissioner Parlett was not present as he was attending the Board of Public Works' meeting. Commissioner Millison was out of town.)

The meeting was called to order at 9:00 a.m.

READING AND APPROVAL OF MINUTES

The minutes of the September 28, 1977 meeting were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Dean. All Commissioners present voted in favor.

ENCUMBRANCE VOUCHERS

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Jarboe made a motion to approve payment of the bills, as submitted, seconded by Commissioner Dean. All Commissioners present voted in favor.

PROMOTIONAL OPPORTUNITY - SHERIFF'S DEPARTMENT

Mr. Cox stated that the position of Patrolman First Class was advertised as a promotion opportunity, and, on the basis of the recommendations of the Interview Committee, Sheriff Somerville recommended George A. DeLozier, Jr. for this position. Commissioner Jarboe made a motion to approve this recommendation and promote George A. DeLozier, Jr. to the position of Patrolman First Class, seconded by Commissioner Dean. All Commissioners present voted in favor.

PROPOSED RESOLUTIONTRAILER PARK REGULATIONS LICENSE AND FEES

The County Administrator presented a proposed Resolution as prepared by Paul Raley, Director of Purchasing & Logistics, regarding trailer park regulations license and fees for the Commissioners' review, and requested their concurrence to advertise for a public hearing on said Resolution. After making certain recommended amendments to the Resolution, the Commissioners advised that Mr. Raley should proceed.

ZONING CHANGE HEARINGS

The County Administrator presented correspondence from the County Attorney dated October 4, 1977 stating that a quorum of County Commissioners must be present at a rezoning hearing and, further, that as long as a quorum is

present at the hearing, one or two Commissioners may be absent from the hearing and may later vote, after reviewing the compiled record.

MUTUAL AID AGREEMENT FOR FIRE AND/OR RESCUE OR AMBULANCE SERVICE

The County Administrator presented for the Commissioners' review the above-referenced Agreement, which has been endorsed by the Calvert County Commissioners and their attorney. The Commissioners will review the document and give consideration to a decision at next week's meeting. Prior to that time, an opinion was requested from the County Attorney and an analysis of any impact on the County's insurance coverage.

YOUTH MEMBERS ON THE YOUTH COMMISSION

The County Administrator presented a letter from the Youth Services Coordinator listing youth members that have been nominated by their respective student governments to serve on the Youth Commission.

After review, Commissioner Dean made a motion to accept the following individuals to the Youth Commission for a one-year term, with terms to begin as indicated below:

<u>Name</u>	<u>School</u>	<u>Term to Begin</u>
EDWARD HILL	Chopticon	Sept. 8, 1977
Lisa Tucker (reappointment)	Great Mills	Sept. 8, 1977
<u>Alternates</u>		
Kenny Sothoron		Sept. 8, 1977
Bonny Duell		Sept. 8, 1977
Kathy Lawrence		Sept. 8, 1977
Kevin Jennings	Ryken	Sept. 21, 1977
Ann Gough (reappointment)	St. Mary's Academy	Sept. 8, 1977
Janet Fox	St. Mary's College	Sept. 28, 1977

Commissioner Jarboe seconded the motion. All Commissioners present voted in favor.

COG CONTRACT No. 66-161

EMS SYSTEM CONTRACT

The County Administrator presented correspondence from the Metropolitan Washington Council of Governments forwarding the Second Amendatory Agreement amending the contract by and between the Metropolitan Washington Council of Governments and St. Mary's County. Commissioner Jarboe made a motion to authorize Commissioner President McKay to sign said Amendatory Agreement, seconded by Commissioner Dean. All Commissioners present voted in favor.

REQUEST FOR ATTENDANCE AT MACO FALL MEETING

The County Administrator requested approval from the Board of County Commissioners for the Budget Officer and himself to attend the Maryland

Association of Counties Fall Meeting for Administrative Officers on Oct. 26 and 27 in Salisbury. Commissioner Dean made a motion to grant this request, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

GRANT APPLICATION - WALDEN RESIDENTIAL TREATMENT CENTER

The County Administrator presented a Grant Application for the Southern Maryland Drug Abuse Program Residential Care for the Commissioners' review and approval. After discussion, Commissioner Dean made a motion to authorize the President of the Board to sign the above-referenced Grant Application, pending review by the Budget Officer; seconded by Commissioner Jarboe. All Commissioners present voted in favor.

The Commissioners recessed at 10:05 a.m. in order to attend the Naval Logistics Operation ceremony at the Naval Air Station.

The meeting reconvened at 1:00 p.m.

PROCLAMATION No. 77-57
OYSTER FESTIVAL 1977

Present: Mike Marlay, Chairman
Hal Bishop, President of Rotary Club

The Commissioners presented the above-referenced Proclamation proclaiming Saturday, October 8th, and Sunday, October 9th, as the Eleventh Annual Oyster Festival.

REZONING HEARING
CASE No. 77-08 - DARCHAP PROPERTIES

Present: Jim Kenney, Attorney representing applicant
Albert Focer, Lorenzi, Dodds & Gunnill
Alan Bingman, Naval Air Station
Julius J. Finnacom, shareholder
Frank Gerred, Director, Land Use & Development
Jeff Poley, Zoning/Subdivision Administrator

Prior to the commencement of the public hearing, Commissioner Dean made the following statement for the record:

"Because one of the principals in this rezoning application is a Director of Maryland Capital Savings and Loan, it is my intention not to participate in the decision in this case. It had originally been my intention not even to participate in the hearing or be present at the hearing, but in an opinion expressed by the County Attorney, he states that the structure of our Zoning Ordinance and of prior court cases in the State of Maryland mandate that in order for the Commissioners to conduct a rezoning hearing, a quorum of that body must be present. And so I am sitting in to merely make up that quorum since Commissioners Millison and Parlett cannot be here. I will take no part in the hearing nor in the decision."

Application was made by Darchap Properties for rezoning of property located on Shangri-la Drive and Willows Road, Lexington Park, Eighth Election

District, 41.8 acres presently zoned R-1, Rural Residential, and 11.7 acres to C-1, Commercial.

The secretary read the Notice of Public Hearing.

During the presentation Mr. Kenney, attorney to the applicant, stated that during the process of the Planning Commission hearing, it was their recommendation that there be no commercial zoning, but that the 41.8 acres be rezoned to R-3. Therefore, in compliance with this recommendation, Mr. Kenney stated that the applicant is requesting the R-3 zoning for the subject property.

Mr. Kenney submitted the following exhibits into the record:

Exhibit A (1-58)	Copies of Certified letters sent to property owners within 200 feet of subject property;
Exhibit B	Color photographs of posted notice of public hearing;
Exhibit C	Plat of subject property prepared by Lorenzi, Dodds & Gunnill.

In addition, Mr. Kenney requested that the complete Planning Commission file and records be included as part of the County Commissioners' record, to which the Commissioners agreed.

After the presentation on behalf of the applicant and questions by the Board of Commissioners, Commissioner McKay inquired if anyone wished to speak for or against this rezoning application; hearing none, the rezoning hearing was closed.

A tape of the proceedings and the complete file of this case are on file in the Office of Land Use & Development.

MODIFICATION OF REQUEST FOR REZONING
CASE No. 77-12 - LUMPKINS

Present: Frank Gerred, Director, Land Use & Development
Jeff Poley, Zoning/Subdivision Administrator

Mr. Gerred appeared before the Commissioners to obtain guidance with regard to a recommendation by the Planning Commission on the above-referenced matter. He stated that during discussion of a pending application for rezoning to commercial in Piney Point (Case No. 77-120 - C. Ronald and Anne Lumpkins) at the last Planning Commission meeting, it was the Planning Commission's recommendation to the Commissioners that there be a modification of this request to include rezoning of additional property surrounding this parcel. Mr. Gerred displayed a map indicating the area in question and explained that some of the properties are now being used for commercial purposes. He stated that the Office of Land Use & Development would contact the additional property owners to determine if they would be interested in being included in the rezoning, and if the Commissioners were agreeable to this recommendation and the

additional property owners were agreeable to being included, the Office of Land Use & Development would act as applicant, handling the necessary procedures, such as posting, notification, advertising, etc.

In conclusion, Mr. Gerred stated that the Commissioners may want to include appropriate adjacent property on other applications as part of a rezoning application.

The Commissioners directed Mr. Gerred to obtain from the County Attorney an opinion as to the legality of such action. Also, the Commissioners indicated that before making a determination, they wanted to consider the equity in the County absorbing the costs and the reasonableness of, in effect, doing a small area plan.

FEE REFUND POLICY

Present: Frank Gerred, Director, Land Use & Development
Jeff Poley, Zoning/Subdivision Administrator

Mr. Gerred presented to the Commissioners a refund policy proposal for various fees of the Office of Land Use & Development, such as Building Permit, Site Plan Review, Conditional Use, Rezoning Application, etc. Refunds would be on a percentage basis, and would only be made upon request.

The Commissioners directed Mr. Gerred to prepare a list of the refunds for their review, and stated that this should be adopted as a policy and made a part of the fee schedule.

FOOD STAMP PROGRAM/FUND BALANCE RETENTION

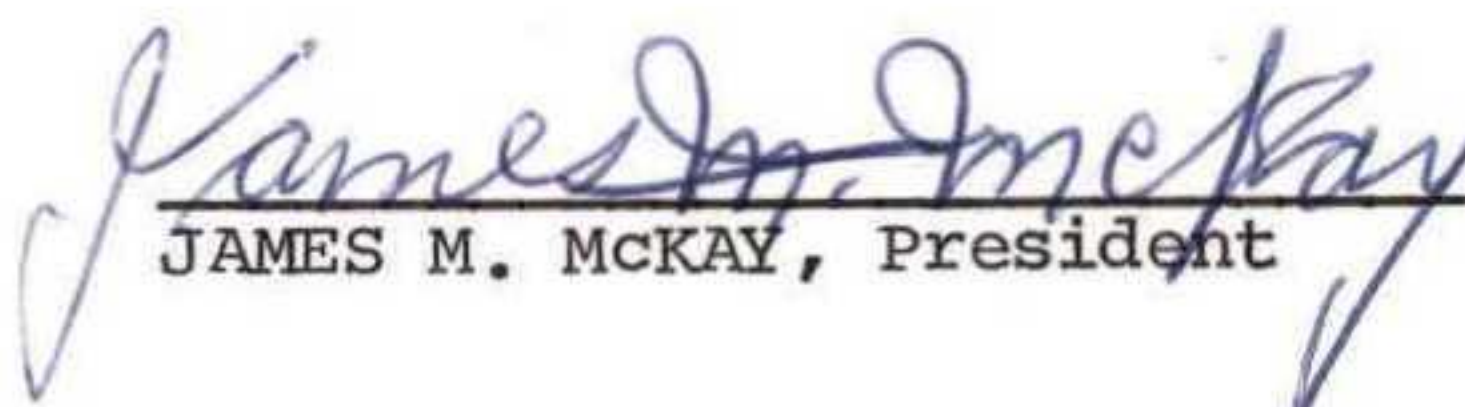
Mr. Carter, Director, Department of Social Services, by correspondence dated September 28th, requested the approval of the Commissioners to retain \$1,670 from the FY 77 fund balance to provide a share of salary costs for the Food Stamp Program administration, previously funded by State and Federal sources. Commissioner Dean made a motion to grant the request as stated by Mr. Carter in said correspondence, seconded by Commissioner Jarboe. All Commissioners present voted in favor.

GOLDEN BEACH ROAD

Commissioner Dean referred to a letter from a resident of Golden Beach concerning oil on Golden Beach Road because of reconstruction of that road. The Commissioners requested that the County Engineer ascertain the schedule that the paving should be completed and then respond to the resident to that effect.

The meeting adjourned at 2:30 p.m.

Approved:



JAMES M. MCKAY, President